IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL NO : 1205 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/07/2004 in WP NO : 10968 OF 2004 on the file of the High Court.)

Between:

T. Poshetty S/o Sri Narasaiah
R/o 1-117, Post & Mandal bazar, Hathnoor Adilabad

..... APPELLANT

AND

1. Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad rep by Managing Director.
2. The Regional Manager A.P. State Road Transport Corporation Adilabad Region, Adilabad.

.....RESPONDENTS

Counsel for the Appellant :MR.G.VIDYASAGAR

Counsel for the RespondentS.: MR.V.T.M.PRASAD

The Court made the following :

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHU RAM

W.A.No.1205 of 2004

JUDGMENT : (per GR,J)

Heard Sri G.Vidyasagar, learned counsel for the appellant and Sri V.T.M.Prasad, learned counsel for the respondents.

By the proceedings dated 13.5.2004 of the Regional Manager, APSRTC, Adilabad Division, the petitioner's request for continuing him as Conductor on other duty basis was rejected. Aggrieved, he filed the W.P.No.10968 of 2004 which was rejected by the order dated 5.7.2004. The learned single Judge recorded that as the competent Medical Officer had after examination found the petitioner fit to perform the duties of a Conductor and he was advised to report for duty before the Depot Manager for performing on line duties as a Conductor, there was no illegality in the impugned

proceedings.

It is the case of the petitioner that he was injured in an accident resulting in leg fracture about eight years ago, in the year 1996 and another fracture to the right hand on 4.10.2000 as such he was unable to perform the arduous duties of a conductor. His request was considered and he was posted to a desk job on other duty. He was given other duties which did not involve traveling, for a limited period. Thereafter, he was to be posted back for on line duties as Conductor. He made a request for continuing him in the same post on other duty which was rejected by the order impugned. In the counter affidavit, the APSRTC contended that the medical certificate permitting the petitioner to join duty on 4.5.2004 and a subsequent medical certificate also certified the petitioner fit to perform duties of a Conductor and therefore the petitioner cannot claim permanent exemption from performing the duties attached to the post to which he was appointed.

The fitness certificate dated 4.5.2004 merely states that the petitioner who was on leave on medical recommendation is now fit to attend to his duties. As this certificate is not clear as to whether the petitioner is fit to perform the duties of a Conductor and in view of the petitioner's assertion to the contrary, we consider it appropriate to dispose of the appeal directing the petitioner/appellant to submit himself for medical examination before the APSRTC Hospital, Orthopaedic Department, Tarnaka within a period of two weeks from today and also direct the respondents to issue necessary instructions to the Hospital for examining the petitioner to ascertain and certify his fitness to perform the duties of a Conductor. In accordance with the certificate issued, the respondents are directed to take appropriate action either to accommodate him in an alternative post or post him to perform the functions of a Conductor. This Writ Appeal is accordingly disposed of.

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knk 10.11.2004

To

1. The Managing Director, Andhra Pradesh STate Road Transport Corporation, Musheerabad, Hyderabad.

2. The Regional Manager A.P. State Road Transport Corporation Adilabad Region, Adilabad.

3. Two CD copies.